

**1400.8603 CONDUCT OF HEARING.**

The hearing shall be conducted substantially in the following manner:

A. The administrative law judge shall open the hearing by reading the title of the case, asking the parties or counsel to note their appearances, and explaining the hearing procedure to unrepresented parties.

B. Any stipulations, settlement agreements, or consent orders entered into by any of the parties prior to the hearing shall be entered into the record.

C. The party with the burden of proof shall begin the presentation of evidence unless ordered otherwise. It shall be followed by the other parties in a sequence determined by the administrative law judge.

D. Testimony may be given in narrative fashion by witnesses rather than by question-and-answer format.

E. Cross-examination of witnesses shall be conducted in a sequence and in a manner determined by the administrative law judge to expedite the hearing while ensuring a fair hearing. At the request of the party whose witness is being cross-examined, the administrative law judge shall make such rulings as are necessary to prevent argumentative, repetitive, or irrelevant questioning and to expedite the cross-examination to the extent consistent with the disclosure of all relevant testimony and information.

F. Any party may be a witness or may present other persons as witnesses at the hearing. All oral testimony at the hearing shall be under oath or affirmation.

G. A party may question an adverse party or any witness identified with an adverse party by leading questions and contradict and impeach that witness on material matters.

H. When all parties and witnesses have been heard, the hearing shall be closed unless a continuance has been ordered under part 1400.8602.

**Statutory Authority:** *MS s 14.51; 15.474*

**History:** *9 SR 2276; L 1984 c 640 s 32; 26 SR 391*

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